UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IBG LLC,
INTERACTIVE BROKERS LLC,
CQG, INC.,
CQGT, LLC,
Petitioners

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.
Patent Owner

Patent No. 7,685,055

PETITION FOR COVERED BUSINESS METHOD REVIEW UNDER 35 U.S.C. § 321 and § 18 of the LEAHY-SMITH AMERICA INVENTS ACT

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Table of Authorities

Cases

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Ariosa Diags. et al. v. Sequenom, Inc. et al.,
788 F.3d 1371 (Fed. Cir. 2015) 28

Bancorp Servs., LLC. v. Sun Life Assur. Co. of Canada (U.S.),
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Bilski v. Kappos,
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Bloomberg Inc. v. Markets-Alert Pty Ltd., No.
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CLS Bank Int'l v. Alice Corp. Pty. Ltd.,
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CyberSource Corp. v. Retail Decisions,
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DDR Holdings v. Hotels.com, L.P. et al.,
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Exxon Mobil Corp. v. Allapattah Servs., Inc.,
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Int'l Sec. Exch. v. Chicago Bd. Options Exch.,
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Internet Patents Corp. v. Active Network Inc.,
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Mims v. Arrow Fin. Servs.,
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Phillips v. AWH Corp.,
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